

parent want of proper authority, the bill may have been filed in conformity with the charter, I cannot think it would be right, without answer, and without evidence, upon allegations proceeding from the defendants themselves, to turn the plaintiff at once out of court. If it shall appear hereafter, at the proper stage of the cause that the bill was filed without sufficient authority, there will, it is presumed, be no difficulty in applying the proper remedy.

The Court of Appeals have several times spoken of the credit which should be given to the acts of attorneys of the courts. In the case of *Henck vs. Todhunter*, 7 H. & J., 275, it is said that where the appearance of an attorney is entered on the record, it is considered as done by the authority of the party, and that whatever is done in the progress of the cause, is regarded as done by, and as binding on, the party himself, the fidelity of the attorney in the discharge of his trust being a question between him and the party for whom he undertakes to act.

In this case a solicitor of this court has filed a bill in the name of "The African Methodist Bethel Church of the City of Baltimore," being the corporate name of the plaintiff. This act of the solicitor must be regarded at least at this stage of the proceeding, as done by the authority of the plaintiff; and yet the defendants, because they form a majority of the board of trustees, ask the court, before they have answered the bill, and without an opportunity to the other side to bring forward those circumstances, which if they exist, would sanction what has been done, to put an end to the cause.

My impression is that this is not the time to decide that question, and, therefore, the application will be overruled.

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CHARLES F. MAYER for Complainants.

T. S. ALEXANDER and CHARLES H. PITTS for Defendants.